

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

LUKE STEWART, et al.,

Plaintiffs,

vs.

BROTHERHOOD MUTUAL
INSURANCE COMPANY,

Defendant.

Case No. 16-CV-488-JED-FHM

OPINION AND ORDER

Plaintiffs' Motion to Compel Additional Deposition Time, [Dkt. 54], is before the undersigned United States Magistrate Judge for decision. The matter is ripe for decision.

Plaintiffs deposed the adjuster of their UM claim, Terri Christner, on January 5, 2017 for nearly seven hours. After reviewing her deposition transcript, Ms. Christner submitted an errata sheet that made 37 changes to her deposition testimony. [Dkt. 54-7]. Plaintiffs assert that the errata sheet contains numerous substantive alterations to the deposition testimony. Plaintiffs argue that in light of these changes, they should be granted additional time to redepose Ms. Christner. Plaintiffs also assert the need for additional deposition time because Ms. Christner was furnished additional documents the day before her deposition that she did not have sufficient time to review.

With regard to the additional documents. Defendant responds that the day before the deposition, Plaintiffs' counsel were informed that Ms. Christner had not been provided summaries of Plaintiffs' medical records and Plaintiffs' settlement demand. Yet, counsel proceeded to take the deposition and did not mention during or after the deposition that additional time would be needed due to the additional documents. The court finds that Plaintiffs have established that Ms. Christner was given documents shortly before her

deposition, but they have said nothing about the content of those documents or Ms. Christner's testimony to support a grant of additional deposition time.

Similarly, Plaintiffs have pointed out the number of changes made on the deposition errata sheet which they say relate to whether or not a claims decision had been made. They have not, however, convinced the court that the changes are so numerous or are so different from the overall substance of Ms. Christner's deposition testimony that an additional deposition is necessary. Plaintiff's have not demonstrated that cross examination of the witness at trial with her deposition testimony and the errata sheet will not be adequate.

Plaintiffs' Motion to Compel Additional Deposition Time, [Dkt. 54], is DENIED.

SO ORDERED this 8th day of September, 2017.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE